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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/661 301	
	Filing Date	09/12/2003	
	First Named Inventor	James Anthony Maffei	
	Art Unit	3644	
	Examiner Name	Susan C. Alimenti	
Total Number of Pages in This Submission	14	Attorney Docket Number	02-090

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Technology Center (TC)
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<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> CD, Number of CD(s) _____	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<b>Remarks</b> Request for Reconsideration identical to Request submitted 06/09/2004 and on 08/23/2004 except for correction of the informalities noted by Examiner in her Office Action of 11/15/2004. Documents and drawings referred to in this submission are already in file wrapper.	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<b>SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT</b>		
Firm or Individual name	Bohan, Mathers & Associates, LLC	
Signature		
Date	November 17, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
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Signature		Date	November 17, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/661 301 Confirm. No.: 7463  
Filing Date: 9/12/2003  
Inventor: James Anthony Maffei  
Title: Plant Protection Device and Method  
Art Unit: 3644  
Examiner: ALIMENTI, SUSAN C.  
Attorney Docket No.: 02090

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To: Mail Stop Amendment  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**Request for Reconsideration Pursuant to 37 C.F.R. § 1.111**

Dear Madam:

This paper is being filed ultimately responsive to the 02/25/04 Official Action, but more immediately responsive to the 11/15/2004 Office Action that identified informalities in Applicant's earlier Request for Reconsideration filed 06/09/2004 (and re-filed 08/23/2004 because of an apparent fax-transmission error on 06/09/2004). Applicant's initial Request filed 06/09/2004 and again on 08/23/2004 was accompanied by a number of patents and sheets of figures that were identified in that paper and are also referred to in the present paper. Since Applicant understands that all of the material submitted on 08/23/2004 was received by Examiner, he respectfully requests that she refer to those earlier-filed documents in connection with her review of the present paper so that he can avoid re-submitting the entire 72-page filing.

In the 02/25/04 Office Action, Examiner rejected pending Claims 1-5 under 35 U.S.C. 102(b) based on Hinsperger (U.S. Patent 5,605,007) and Claim 6 under 35 U.S.C. 103(a) based on Hinsperger in combination with Dalle (U.S. 4,577,436). Examiner also noted that Applicant failed to submit a paper copy of the five foreign

patents cited in the Information Disclosure Statement. Applicant respectfully requests that Examiner amend the application in the manner set out immediately below, and explained in REMARKS starting on page 9 of this paper. Applicant also requests that Examiner consider his arguments, also included in REMARKS, for deeming allowable all of the claims as amended.

### AMENDMENTS

Amendments to the Specification begin on page 3 of this paper; amendments to the Drawing begin on page 4 of this paper, and amendments to the Claims begin on page 5.